

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GERALD MASARONE,	§
	§ No. 238, 2011
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
STATE OF DELAWARE,	§ for Sussex County
	§ Cr. ID 1007010404
Plaintiff Below-	§
Appellee.	§

Submitted: November 14, 2011

Decided: November 21, 2011

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

**ORDER**

This 21<sup>st</sup> day of November 2011, the Court has considered the State's motion to vacate the appellant's conviction and remand this matter to the Superior Court for a new suppression hearing and, if necessary, trial. The appellant does not oppose the State's motion.

NOW, THEREFORE, IT IS ORDERED that the State's motion is GRANTED. The judgment of the Superior Court is hereby VACATED, and this matter is REMANDED for a new suppression hearing and trial. Jurisdiction is not retained. That mandate shall issue forthwith.

BY THE COURT:

/s/ Jack B. Jacobs